

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

----- x
TONY CACCAVALE, ANTHONY MANGELLI, : No.: 20-CV-00974 (GRB)(AKT)
DOUGLAS SORBIE, and JAMES BILLUPS, :
individually and on behalf of all others similarly
situated, :
Plaintiffs, :
v. :
HEWLETT-PACKARD COMPANY A/K/A HP :
INC., HEWLETT PACKARD ENTERPRISE :
COMPANY and UNISYS CORPORATION, :
Defendants. :
----- x

**STIPULATION EXTENDING
DEFENDANTS' TIME TO ANSWER
SECOND AMENDED CLASS AND
COLLECTIVE ACTION COMPLAINT**

WHEREAS, Plaintiffs filed a Second Amended Class and Collective Action Complaint (“Second Amended Complaint”) on December 17, 2020 [DE 55];

WHEREAS, on December 23, 2020 Defendants filed pre-motion conference letters seeking to move to dismiss certain portions of the Second Amended Complaint and Plaintiffs responded to those letters on January 4, 2021 [DEs 57, 58, 60, 61];

WHEREAS, on January 12, 2021 the parties appeared before Judge Brown;

WHEREAS, Judge Brown denied Defendants’ motions to dismiss Plaintiffs’ claims brought pursuant to Sections 191/198 of the New York Labor Law, but allowed Defendant Unisys Corporation (“Unisys”) to make a motion pertaining to one limited issue on Plaintiff Sorbie and the Late Paid Overtime Collective’s claim brought under the Fair Labor Standards Act (“FLSA”) in the Second Amended Complaint and set a briefing schedule therefor [DE 62];

WHEREAS, Unisys has, without waiver of any and all defenses to the FLSA claim regarding Sorbie or anyone else, including but not limited to a lack of any remedy for the FLSA

violation(s) alleged, determined not to make this motion, but instead Answer the Second Amended Complaint,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, all Defendants' time to Answer the Second Amended Complaint is extended from January 26, 2021, the original deadline therefor, through and including February 22, 2021.

This is Defendants' first request for an extension of this deadline and is necessary to allow all Defendants to fully analyze and properly respond to the allegations in the Second Amended Complaint. Plaintiffs consent to this request. The requested extension will not affect any of the other dates set in the case.

<p><i>/s/ Paul A. Pagano</i> Steven J. Moser, Esq. Paul A. Pagano, Esq. Moser Law Firm P.C. 5 East Main Street Huntington, NY 11743 (516) 671-1150 smoser@moseremploymentlaw.com <i>Attorneys for Plaintiffs</i></p>	<p><i>/s/ Kenneth W. DiGia</i> Kenneth W. DiGia Jeffrey H. Ruzal EPSTEIN BECKER & GREEN, P.C. 875 Third Avenue New York, NY 10022 (212) 351-4500 <i>Attorneys for Defendant Unisys</i></p>
<p><i>/s/ Kristofor Henning</i> Kristofor Henning Adam Saravay Ilana Levin McCARTER & ENGLISH, LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07101-0652 (973) 622-4444 <i>Attorneys for Defendants HP Inc. and Hewlett-Packard Enterprise Company</i></p>	

SO ORDERED:

Honorable A. Kathleen Tomlinson
United States Magistrate Judge
January ____ , 2021